

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

DISABILITY RIGHTS TEXAS,

*Plaintiff,*

v.

GREG ALLEN, in his official capacity as  
the Police Chief of the El Paso Police  
Department,

*Defendant.*

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EP-21-CV-00211-DCG

**ORDER**

Plaintiff moves to seal Defendant's response to Plaintiff's motion for summary judgment because two exhibits contain confidential health information. Mot., ECF No. 26 at 1–2.

Defendants are unopposed. *Id.* Because the “presumption is that judicial records should not be sealed,” the Court will not seal Defendant's entire filing simply because two exhibits contain confidential information. *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 419 (5th Cir. 2021). The Court thus **DENIES** Plaintiff's “Motion to Seal” (ECF No. 26).

But the Court agrees that the exhibits must be sealed. The Court, therefore, **ORDERS** the following:

- (1) Defendant must file a motion to withdraw his response.
- (2) Defendant must then move to file his response and exhibits under seal. W. DIST. TEX. LOCAL RULE CV-5.2 (governing documents filed under seal). Defendant must file the response and exhibits as separate documents.<sup>1</sup>

Defendant must comply with this Order **as soon as possible** but in any event no later than **October 10, 2022**.

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<sup>1</sup> Once the Court has this motion, the District Clerk can docket Defendant's response on the public docket and docket the exhibits under seal.

**So ORDERED and SIGNED this 7th day of October 2022.**

A handwritten signature in black ink, appearing to read "David C. Guaderrama", written over a horizontal line.

**DAVID C. GUADERRAMA  
UNITED STATES DISTRICT JUDGE**